

SENTANA PAPERASAN LEGAL EFFORTS AS A SOLUTION TO OVERCOME KEPUTUNGAN IN BANJAR KUTUH, SAYAN VILLAGE, UBUD DISTRICT, GIANYAR DISTRICT

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Abstract:

Adoption of children in Bali is known as Sentana Peras, which is one of the efforts to obtain offspring from married couples who have not or have not had children. Adopting children is regulated not only based on national law but also according to customary law, often referred to as awig-awig, which exists in each traditional village in Bali. This study will use empirical legal research methods, focusing on the discrepancies following the theory of reality in society. The discussion described in this study includes the position and legal protection of sentana extortion in inheritance at Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency. The position of the custodial center in inheritance in Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency in overcoming the decision, namely in Balinese Customary Law, a child who has undergone the process of extortion ceremony is bound by his family relationship with the adoptive parents accompanied by severance of the relationship with his biological family, where the relationship of a sentana (adopted child) with his biological parents is erased when they have undergone an extortion ceremony procession. Legal Protection Against Sentana Extortion in Inheritance under Article 832 jo.842 jo. Article 852 (a) of the Civil Code, based on an analysis using the theory of justice and the theory of legal protection, adopted children are included as heirs who inherit based on their position in the First class in obtaining inheritance rights from their adoptive parents, thereby closing the rights of other heirs.

Keywords: Legal effort, Sentana Peperasan, Keputungan.

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INTRODUCTION

Adoption is joint throughout Indonesia, but the method varies according to local customary law. It then has an impact on the consequences of the adoption of the child, namely breaking the family relationship between the adopted child and his biological parents and those who do not break the family relationship between the adopted child and his biological parents.

The definition of adoption, in general, is an act of taking someone else's child based on the legal provisions in force in the community concerned (Rihi, 2006). Meanwhile, according to Soepomo (2000), the act of adopting a child is a legal act that releases the child from kinship ties with the parents themselves, who include the child in the adoptive father's family so that the child himself is like a biological child (Rifaldi & Prasetyo, 2023).

Soepomo's opinion above explains that the adopted child has the same position as his biological child in some issues.

The issue of adoption is also common in Bali. The Balinese people are a society that is known as a society that adheres to its traditions and customs. The traditional customs of the Balinese people are heavily influenced by Hindu religious law as the religion that is adhered to by most people in Bali, one of which is inheritance (Mantra, 2010).

Child adoption in Bali is known as *sentana peras*. In general, *sentana* in Indonesian means child, while *peras* is a ceremonial means in Hinduism. Meras *sentana* means adopting a child. Adopting a legitimate child according to Balinese customary law after the extortion ceremony. That is why adopted children in Bali are called *sentana paperasan*.

Meras *sentana* (adopting children) is an effort to obtain offspring for married couples who do not have children or offspring. Descendants need to continue *swadharma* (responsibility) towards the family and responsibility towards the Traditional Village in Bali. *Swadharma* for families and Traditional Villages in Bali include *swadharma* for Peahyangan, *Swadharma* for Pawongan, and *Swadharma* for Palemahan (Pramana, n.d.).

Families that do not have descendants are known as *putung* (finished). In a *putung* state, none of the three *swadharma* mentioned above will continue and will be continued by the closest family in the *kramusa* or father's line. If this is the case, then all self-sufficiency (rights) related to this responsibility will be enjoyed by the party carrying out *swadharma*. That is why it is essential to have offspring.

Without a direct descendant (blood child), it can be attempted using *sentana*. To ensure the process of *ras sentana* goes as it should, it is necessary to have basic knowledge about the procedure for *ras sentana*.

In general, two types of child adoption can be done, including:

1. Adoption of children based on Legislation.
2. Adoption of children based on local customs.

The legal basis for adopting children is based on laws and regulations, Article 39 of Law Number 23 of 2002 concerning Child Protection, and Article 2 of Government Regulation of the Republic of Indonesia Number 54 of 2007 concerns implementing Child Adoption.

Furthermore, what is meant by adoption based on local customs in this study is adoption by Hindus based on Balinese Customary Law or meras *sentana*.

Adoption of children based on Legislation is relatively easier because it only follows the provisions of the applicable Legislation. Adopting children based on local customs is a hassle. In this case, adopting children is based on Balinese Customary Law or meras *sentana*. Called troublesome, among others, because:

1. In general, not all children can be adopted (*kaperas sentana*). Considering several sources of Balinese Customary Law, such as the provisions of Article 11 Paswara 13 October 1900 and *awig-awig* Traditional Villages in Bali that prospective adopted children must be Hindu and come from the *purusha* lineage (father or husband). If not found from the *purusha* lineage, the prospective adopted child can be sought from the *pradana* lineage (mother or wife). If no candidates for adopted children are found from the two lineages, then it can be arranged from the *sekama-kama* (from anywhere, including neglected children).
2. In addition to the conditions mentioned above, *soroh*, religious, and extortion ceremonies are requirements before a court order is applied. If the *soroh* of the prospective adopted child differs from the prospective adoptive parents, the blood relatives or siblings (*tugelan*) will object. If the religion is unclear (Hinduism is doubtful), the Traditional Village where the prospective adoptive parents are *mipil* (registered as village *krama*) will object. In addition, the *peperasan* ceremony (meras *sentana*) should be carried out correctly. Adoption is considered

legal under Balinese Customary Law after an extortion ceremony led by Hindu religious leaders and witnessed by traditional *prajuru* (traditional village administrators). It is supported by various jurisprudence, including Supreme Court Decision No. 696K/Sip/1973.

In principle, although it is not necessary, it is essential to seek a court order in line with Article 9 paragraph (2) of the Government Regulation of the Republic of Indonesia Number 54 of 2007 concerning the Implementation of Child Adoption, which stipulates that child adoption based on local customs can be requested for a court order. The Court's decision guarantees legal certainty that child adoption (*meras sentana*) has been carried out legally according to Balinese Customary Law.

Even though it has been regulated in such a way regarding *sentana squeeze* or adoption for *sentana putung* or for people who do not have children in terms of continuing their offspring. However, not all people who do not have children (*sentana putung*) do or take this step as a way out. For example, in Banjar Kutuh, Sayan Village, Gianyar Regency, where this research was conducted. Whereas in Banjar Kutuh, Sayan Village, there are residents who do not have children (*sentana putung*) but do not carry out the procession of *meras sentana* (adopted a child). To the family and responsibility to the Traditional Village. Whereas in the awig-awig in Banjar Kutuh, Sayan Village, Gianyar Regency, it has also been regulated regarding child adoption as regulated in Pawos 48 point (4) which emphasizes that: *Prade pawiwahane tan ngewetuwan sentana kengin ngidih sentana, kepastikayang antuk skala lan niskala, sane kebawos sentana paperasan*. It means that apart from being recognized by positive law, it is also recognized by customary law.

METHODS

The type of research used in this study is empirical legal research, namely research conducted because of a gap between theory and reality. In this case, *sentana peras* is one of the solutions *sentana putung* can do in Balinese customary law, but in the field, *sentana putung* does not. It indicates a gap between theory and reality. The types of approaches used are the statute approach, the conceptual approach, and the case approach. Field and literature studies were carried out to obtain the data in this study. From field studies and literature studies, both primary and secondary data will be collected through recording in the form of documents using a file system (Suwitra, 2019). After all the data has been collected with the file system, the data is analyzed with an analytical descriptive.

RESULT AND DISCUSSION

Sentana Peras' Position in Inheritance in Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency. The relationship between adopted children and their adoptive parents is based on the power of Balinese customary law, which is based on kinship, which can be seen through the male line (patrilineal). Based on Balinese customary law in terms of legal adoption, the position of the adopted child will be the same as his biological child.

The existence of a patrilineal Balinese customary law system will give birth to rights and obligations for adoptive parents and adopted children, the same as the position of biological parents towards their children. The birth of these new rights and obligations breaks the family relationship between the biological parents.

Regarding the rights and obligations of adopted children, I Ketut Artadi thinks that adopted children must carry out their duties as their biological children, and they bear the obligations in the Banjar/village as a continuation of the obligations of the adoptive parents in the Banjar/village (Artadi, 1987).

Aside from paying attention to adoptive parents, like biological parents, this opinion will also bear responsibility after the parents die; the adopted child must carry out the Ngaben ceremony according to applicable customs.

It is a consequence of one of the obligations of adopted children towards their adoptive parents. In Bachsan Mustafa's opinion, the legal position of adopted children in customary inheritance law is that the child is a household member. At the same time, he has the right to earn a living from an inheritance like a widow. The legal position of an adopted child in inheritance is indeed equated with that of a widow. In a family that does not have children, things from the origin, things that gono and like go to the widow or her adopted child (Indra, 2006).

Based on the results of the research and discussion that the authors obtained from Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency, the rights and obligations of adopted children in their adoptive families are as follows:

1. An adopted child has the right to maintain family relations as well as possible to create a harmonious relationship between the families of both parties; besides that, he is also entitled to the inheritance of his adoptive parents.
2. Adoptive children have more non-material obligations, namely *tegenan* responsibilities, such as performing/replacing the duties or obligations of their adoptive parents towards their village krama (members of the village's customary community). Performing odalan (remembrance ceremony) at the adoptive parents' rejuvenation or denial (place of family prayer). Furthermore, he performs the *manusa yadnya* ceremony after his adoptive parents pass away in cremation (*pengabenan*).

Adoption of a child in Bajar Kutuh, Sayan Village, Ubud District, Gianyar Regency, Bali is the adoption of a child who comes from his child by the adoptive parents to make his child according to the provisions of adoption according to Balinese customary law. The child has the same position as his biological child. It has the consequence that all the rights and obligations (*dharma*) that exist on the adoptive parents will be continued by the adopted children, as befits their biological children.

In the Balinese customary law community, children's obligations are immaterial. In the Balinese indigenous people, the paternal family system is adopted (*Vaderrechttelijk*). The natural paternal system appears at the forefront, where the wife enters her husband's family. Likewise, adopted children enter the adoptive father's family, and there is no direct relationship with the adoptive mother's family. The adopted child's relationship with his biological parents is wholly cut off, so he is not entitled to inherit property from his biological parents' family. However, he becomes the heir of the parents who adopted him.

It is commonly understood that adopting a child serves the purpose of continuing the adopting parents' lineage, granting the child rights and responsibilities similar to those of a biological child. Inheritance of the adoptive parents' assets is also a possibility. In Balinese customary law, the position of an adopted child concerning the inheritance of his adoptive parents, especially those from the ancestors (inheritance) of the adoptive parents, is determined by whether there is family approval for the adoption of the child (Tjokorda, personal communication, n.d.).

Reasons for Adopting Children According to Balinese Customary Law, Balinese society adheres to a patrilineal family system where the wife will enter her husband's family and the children she will give birth to. This patrilineal system assumes that a man becomes the main, sons will continue the family lineage, and vice versa is not the case with daughters. The prominence of the position of sons in traditional Balinese society resulted in every family wanting male offspring, so the institution of adoption developed.

According to Surojo Wignjodipuro, the reasons that encourage people to adopt children are because they do not have children of their own, adopting the child is a way to get offspring, because they are not yet blessed with children, it is hoped that adopting this child will speed up the possibility of having children, and driven by compassion for the child in question, for example, because his life is not well cared for and so on (Wignjodipoero, 1973).

In the customary Balinese community, a person who does not have children will try to adopt a child for reasons including: (1) Not having children or descendants; (2) The reason for the belief that adopting a child will be able to give birth to one's biological child; (3) Passing on descendants related to worship.

Initially, the reason for adopting children in Bali was solely to continue and maintain the lineage of a childless family. In addition to these reasons, it is also an inducement to give birth to biological children, and the validity of the legal force of adoption is not disturbed if the adoptive mother later gives birth to biological children. Thus, adopting a child makes biological and adopted children siblings (Pudja. 1977).

In Hindu Balinese society, the purpose of marriage is to have children (sons), who are expected to be able to continue family worship, such as praying at the temple and carrying out the worship of their ancestors. With the aim that the family is safe and gets a better life. So important is this offspring (children) in a marriage that it is not uncommon to cause various events because of childlessness, such as divorce, polygamy, and adoption of the child itself. Thus, if there are offspring (children), the purpose of the marriage is considered to have been achieved, and the process of continuing the generations can also occur.

The purpose took the explanation of Law Number 1 of 1974 (Marriage Law). We find that the purpose of marriage is to form a happy and eternal family and close relationships with offspring. From the provisions of Law Number 1 of 1974, it also appears that offspring have an essential role in family life because having children is expected to continue the lineage/family tree.

Based on the research results in the field, adoption in Bali, which is patrilineal, includes the child in the adoptive parents' family and has a position as a biological child. Soeripto explained that every Balinese Hindu family has family assets or wealth in the form of assets with magical religious values, namely those that have something to do with religion or religious ceremonies and assets that do not have magical religious values. Furthermore, it is stated that assets that do not have magical religious value include *arkas kaya* wealth, *jiwa dana* wealth, *tetatadan* wealth, and *druwe gabro* wealth (Soeripto, 1973).

As for the meaning of Rich assets are assets obtained by each husband and wife for their sweat before entering the marriage level. The definition of soul and soul assets is a sincere gift by parents to their children, both male and female, if they are still together with the heir before entering the marriage. Gifts from the rules are gifts to daughters when their marriage (marriage out) takes place, while goods from gabro druwe are assets that the husband and wife obtain through joint sweat. The writer can conclude from this explanation that all these are property or wealth acquired before entering the marriage ladder. At the same time, druwe gabro assets are acquired in a marriage (husband and wife).

With various kinds of goods from the family, as mentioned above, the rights of adopted children to the family assets of their adoptive parents are as heirs to their adoptive parents. From among the scholars of customary inheritance law that applies to the Balinese tribe, adopted children are the heirs of family assets such as akas kaya assets, soul assets, statute assets, and Druwe gabro assets from their adoptive parents (Soeripto, 1973).

Research results at Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency, show that adopted children's inheritance position according to Balinese customary law is as the heirs of their adoptive parents. This situation does not change if, after adoption, the biological child is born.

In several cases in Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency, 2 cases of adoption were found, namely on behalf of Pande Gde Adi Stiawan and Pak Reja's son. The adopted child will be the sole heir if the biological child is born to a woman and does a forthcoming marriage or leaves.

Considering recent developments, it has become common practice to adopt children outside one's clan to avoid disputes. In such cases, it is often stipulated that the adopted child only inherits the joint property or benefits from the adoptive parents. At the same time, inheritance is passed on to the adoptive parents. If the adopted child is from his clan or is still related by blood, there are no restrictions on his right to inherit all the inheritance of his adoptive parents, including the inheritance. Based on the results of an interview with Kelian Adat Banjar Banjar Kutuh, Sayan Village, besides that, an adopted child who is legitimate as the heir of his adoptive parents according to customary law can also be aborted because the right to inherit the property of his adoptive parents for one reason, for example, does not meet the requirements for adoption.

In Balinese customary law, child adoption is carried out according to the provisions that apply to the patrilineal family system, and adopted children have the proper position as biological children in their adoptive family. Meanwhile, Soeripto argues that there is ownership of property of religious magical value related to religious processions in Hinduism.

Every Hindu family in Bali has assets that are valued beyond religious beliefs. These assets include druwa gabro, statutes, Jiwadana, and Akaskaya. In the life of the Balinese people, the position as the legal heir to assets which includes and is no exception Druwe gabro assets, statute assets, soul assets, and aka rich assets from adoptive parents to adopted children, is an agreement among scholars of the customary law of inheritance. However, in practice to this day, to prevent disputes and disputes from occurring in the future, the adopted children handed over to him, both assets of religious magical value and assets for rich use, come from the family and relatives of the adoptive parents. In contrast, for children of Adoptive parents who come from outside the extended family of the adoptive parents, their inheritance rights are limited only to the assets of the rich, where the inheritance of religious values is returned to the adoptive parents and their families.

In his book Hindu Inheritance Law which was later adapted into Lombok and Bali Customary Laws, I Gede Pudja is of the view that the loss of ancestral religion in adopted children is an act of rebellion against the ancestors and should be another reason for eliminating their position as heirs because this results in the loss of their role as sons of the ancestors. Successors of adoptive parents in carrying out religious obligations and roles in traditional life (Soeripto, 1973).

As previously discussed, in Balinese Customary Law, children who have undergone the extortion ceremony process are bound by their kinship with adoptive parents accompanied by severance of ties with their biological family. Termination of this relationship results in the termination of the child's obligations to his ancestors and biological parents. In addition, this termination means changing the position of the adopted child as the legal successor and heir of the adoptive parents, along with the obligations and rights attached to them.

From this point, it seems very clear that the provision for terminating the relationship of an adopted child with his biological parents removes all obligations and rights previously assigned to him in the family of his biological parents. Soepomo, in relation to this, stated that because another family adopted a son, he was out of his father's family relationship, so he lost all rights to inherit his father's inheritance.

Based on study data at Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency, the same thing applies where a sentana (adopted child)'s relationship with his biological parents is erased when they have undergone a procession of extortion ceremonies. Moreover, have rights as children with adoptive families in carrying out self-support or obligations as children and receiving rights in inheritance.

Sentana Squeeze Legal Protection in Inheritance in Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency. Every human wants to have offspring because it has a significant meaning in building a family, society, and humanity. Besides that, children are also entertainers who are very close to their parents and can evoke a sense of responsibility and affection. Children are also part of the younger generation, successors to the aspirations of the nation's struggle and human resources for national development. In order to develop high-quality Indonesian human resources, it is essential to provide continuous guidance from an early age that supports children's survival, growth, and physical, mental, and social development.

With the marriage of a legal husband and wife, it is hoped that they will get good offspring and be able to continue the aspirations of their parents and become quality Indonesian human resources. A marriage cannot be considered perfect if, in the marriage, the husband and wife have not been blessed with children because children have a critical position and are one of the marriage's goals. The desire to have children is a human instinct; this is in line with the natural nature of humans who feel that children are part of the flesh and blood of the parents who gave birth to them, which also ultimately inherit the characteristics of the two parents who gave birth to them.

A new family is considered complete if it consists of a father, mother, and child. However, many families, especially married couples, are not yet or even not blessed with children; even though the desire to have children is a human instinct, because of the will of God Almighty, the desire to have children cannot be achieved. To overcome this, in general, humans make various efforts to be able to have children. One of the efforts made by humans to have children is to adopt children.

The definition of adoption, in general, is an act of taking someone else's child based on the legal provisions that apply to the community concerned. Meanwhile, according to Article 1 of the Government Regulation of the Republic of Indonesia Number 54 of 2007 concerning the Implementation of Child Adoption, what is meant by adoption is a legal act that diverts a child from the sphere of authority of parents, legal guardians, or other people who are responsible for the care, education and raise the child into the adoptive parents' family environment.

Before discussing the inheritance rights of adopted children according to Balinese customary law, we will first be explained the legal consequences of adoption according to Balinese customary law. In Balinese customary law, adoption automatically breaks the family ties between the adopted child and his biological parents because, according to Balinese customary law, the act of adopting a child is a legal act that releases the child from kinship ties with his parents and puts the child into another person's family. Adoptive parents so that the child has the same status as a biological child; therefore, the adopted child is only entitled to inherit from the parent who adopted him. Although it is permissible to adopt other people's children to become heirs, adopting children from the family members closest to the heir is recommended.

According to Balinese customary law, adopted children can be divided into two: sentana adopted children and peras adopted children. Sentana's adopted daughter is her daughter, who is appointed to be an heir like a son. Appointing her daughter as an adopted child is permissible even though there are already sons, but this rarely happens. An adopted child is an adopted child from a member of his own family or someone else's child, who is adopted as an adopted child to serve as the heir of the parents who adopt him.

Based on the study's results, the adoption of children in the community of Banjar Kutuh, Sayan Village, adheres to a patrilineal family system that includes the child into the family of the adoptive parents and has a position as a biological child that every Hindu family in Bali has family assets in the form of assets that have magical religious values, namely those related to religion or religious ceremonies, and assets that do not have magical religious values.

As for assets that do not have magical religious value, namely: Akas Kaya Assets are assets obtained by each husband and wife for their sweat before entering the marriage ladder, parents sincerely give Jiwa Dana Assets to their children, both male, and female. Male or female, as long as they are still together with the heir before entering the marriage, Gifts from the Order are gifts to daughters when the marriage (marriage out) takes place, and Druwe Gabro is property obtained by husband and wife from shared sweat.

Of the various types of property or wealth described above, the adopted child's right to these assets is as the heir of his adoptive parents. From among the scholars of the customary law of inheritance in force in the Balinese tribe, adopted children are the heirs of family assets such as akas kaya assets, soul funds assets, statute assets, and druwe gabro assets from their adoptive parents.

The Child Protection Act adheres to the principle of 'in the child's best interests,' but adoption does not break the blood relationship with the biological parents. Inheritance rights for adopted children vary across legal systems.

Law Number 23 of 2002 concerning the Adoption of Children, as amended by Law Number 35 of 2014, adheres to the principle of the child's best interest for the child's best interests. Concerning inheritance rights, Article 39 of the Child Protection Law is essential to note: Adoption does not break the blood relationship between the adopted child and his biological parents.

Whereas according to Civil Law, to determine who according to law has the right to inherit property, it is limitedly regulated in the Civil Code, namely:

1. Heirs inherit based on their position (uit eigen walked) or inherit directly; for example, if the father dies, all his children appear as heirs. Regarding heirs who appear in their position, the Civil Code classifies them as follows:
 - a. The first group, based on Article 832 jo. 842 jo. Article 852 (a) of the Civil Code states that heirs belonging to the first class are husbands or wives who live the longest, children and their descendants in a downward slant, whether legal or illegal, without distinguishing between men and women and regardless of the order of birth, they exclude other family members in an upward arc in a lateral line. It is possible that some younger family members held a higher rank than the deceased.
 - b. The second group is the parents and siblings of the heir; In principle, both parents are equal to the share of the heir's siblings, but there is a guarantee that the parents' share cannot be less than a quarter of the inheritance (Article 854 of the Civil Code).
 - c. The third group, from Article 853 and Article 855 of the Civil Code, stipulates that in the absence of the first and second class, the inheritance must be divided in half first (kloving), half for the paternal grandparents, and a half for the maternal grandparents.
 - d. The fourth group, the heir's relatives in a deviant line up to the sixth degree (Article 858 jo. 861 of the Civil Code).
2. Inheriting by replacement (representative or bijplaatsvervulling) is called an indirect heir; for example, A dies, leaving children B and C, but B has died before A (heir). B has children D and E, so D and E appear as A's heirs who replace B (grandchildren inheriting from grandparents). The Civil Code specifies heirs based on a replacement as follows:
 - a. Replacement on a downward slope. Every child who dies first is replaced by all the grandchildren or children of the heir. Suppose all heirs in their position (uit eigen

walked) turn out to be onward entered. In that case, all the heirs appear in their position because, in replacement, the provisions of Article 848 of the Civil Code apply, which reads that only people who have died can replace.

- b. Replacement in a line to the side (zijlinie), Every sibling or half-brother who dies first is replaced by all his children.
- c. Replacement on the sidelines also involves the replacement of more distant family members. For example, uncle/nephew if he dies first, he will be replaced by his descendants.

Whereas based on the description above, adopted children are included as heirs who inherit based on their position in the First class in obtaining inheritance rights from their adoptive parents, thereby closing the rights of other heirs.

CONCLUSION

The position of the custodial center in inheritance in Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency in overcoming the decision, namely in Balinese Customary Law, a child who has undergone the process of extortion ceremony is bound by his family relationship with the adoptive parents accompanied by severance of the relationship with his biological family. Termination of this relationship results in the termination of the child's obligations to his ancestors and biological parents. In addition, analyzing the theory of legal certainty means changing the position of the adopted child as the legal successor and heir of the adoptive parents, along with the obligations and rights attached to them. Furthermore, based on data from a study at Banjar Kutuh, Sayan Village, Ubud District, Gianyar Regency, the same thing applies where a sentana (adopted child)'s relationship with his biological parents is erased when they have undergone a procession of extortion ceremonies. Moreover, have rights as children with adoptive families in carrying out self-support or obligations as children and receiving rights in inheritance.

Legal Protection Against Sentana Extortion in Inheritance under Article 832 jo.842 jo. Article 852 (a) of the Civil Code states that heirs belonging to the first class are husbands or wives who live the longest, children and their descendants in a downward slant, whether legal or illegal, without distinguishing between men and women and regardless of the order of birth, they exclude other family members in an upward arc in a lateral line. It is possible that some newer family members had a higher rank than the deceased. Based on an analysis using the theory of justice and the theory of legal protection, adopted children are included as heirs who inherit based on their position in the First class in obtaining inheritance rights from their adoptive parents, thereby closing the rights of other heirs.

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